## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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DAVID L. DOWLING,

CASE NO. 1:16-CV-2180

Plaintiff,

VS.

OPINION & ORDER [Resolving Doc. 19]

NANCY A. BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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## JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On August 30, 2016, Plaintiff David L. Dowling asked the Court to review Defendant Commissioner's decision to deny him disability benefits. Magistrate Judge Kathleen B. Burke issued a Report and Recommendation ("R&R") recommending that this Court affirm the Commissioner's decision.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a R&R to which the parties have made an objection.<sup>3</sup> Parties must file any objections to a R&R within fourteen days of service.<sup>4</sup> Failure to object within this time waives a party's right to appeal the magistrate's report.<sup>5</sup> Absent objection, a district court may adopt the magistrate judge's report without review.<sup>6</sup>

 $^{2}$  Doc.  $\overline{19}$ .

<sup>&</sup>lt;sup>1</sup> Doc. <u>1</u>.

<sup>&</sup>lt;sup>3</sup> 28 U.S.C. § 636(b)(1)(C).

<sup>&</sup>lt;sup>4</sup> *Id.*; Fed. R. Civ. P. 72(b)(2).

<sup>&</sup>lt;sup>5</sup> Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949–50 (6th Cir. 1981).

<sup>&</sup>lt;sup>6</sup> See Thomas, 474 U.S. at 149.

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Here, Plaintiff informed the Court he is not objecting to the R&R and the Defendant has not filed an objection.<sup>7</sup> Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference, and **DISMISSES** Plaintiff Dowling's complaint.

IT IS SO ORDERED.

Dated: June 3, 2017 s/ James S. Gwin

JAMES S. GWIN UNITED STATES DISTRICT JUDGE

<sup>&</sup>lt;sup>7</sup> Doc. <u>20</u>.